IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1835 OF 2005

Dilip Mahadeo Chivate
and Ors. ..Petitioners

Vs.

Hanif Jainuddin Dafedar
& Anr. ..Respondents

...
Mr. S.G.Deshmukh, Advocate for Petitioner
Mr. Shivajirao Misal for Respondent no.1
Mr. S.R.Shinde,A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 11,2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for the complainant and the learned A.P.P. for the State.

2. Rule. By consent, rule is heard forthwith.

3. The petitioners are directors of Miraj Urban Co-Operative Bank, Miraj. Respondent no.1 i.e. the complainant has filed complaint against the petitioners before the Judicial Magistrate Court No.I at Miraj. The said complaint is numbered as C.C.No.151 of 2005 and it is under Sections 165,

467, 468, 471, 420, 410 r.w. 34 of IPC. The said complaint is in respect of the transactions which took place in the years 1989 and 1990. It is an admitted fact that the transaction in respect of which the alleged offences have taken place, have taken place in the year 1989-1990. The learned advocate for the petitioners has pointed out that the petitioners were appointed as directors only around 12.2.2001 i.e. much after the transactions in question took place. This fact has not been denied by the learned advocate for the respondent no.1 i.e. original complainant and the learned A.P.P. for the State. From the fact that the petitioners were appointed as directors much after the alleged offence took place, it is clear that they had nothing to do with the offences in question.

4. In this view of the matter, the proceedings in respect of the petitioners i.e. C.C.No.151 of 2005 are quashed. Writ Petition is allowed. Rule is made absolute accordingly.

5. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]